

1 THE HONORABLE JOHN C. COUGHENOUR
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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 UNITED STATES OF AMERICA,

11 Plaintiff,

12 v.

13 THANH CONG PHAN,

14 Defendant.

15 CASE NO. CR18-0086-JCC

16 ORDER

17 This matter comes before the Court on Defendant's unopposed motion for a competency
18 examination (Dkt. No. 11). Based upon counsel's representations, there is reasonable cause to
19 believe that the Defendant may presently be suffering from a mental disease or defect rendering
20 him mentally incompetent to the extent that he is unable to understand the nature and
21 consequences of the proceedings against him or to assist properly in his defense. 18 U.S.C.
22 § 4241(a). Accordingly, the Court ORDERS:

23 1. A competency examination be conducted on Defendant Thang Cong Phan;

24 2. Pursuant to 18 U.S.C. §§ 4241 and 4247(b), Defendant shall be committed to the
25 custody of the Attorney General for a period not to exceed 30 days, and be examined during that
26 time by a psychiatrist and/or psychologist chosen by the Attorney General who shall conduct a

1 competency examination to attempt to determine if Defendant is able to understand the nature
2 and consequences of the proceedings against him and if he is able to assist in his defense;

3 3. The examining psychiatrist and/or psychologist shall prepare an examination report,
4 file that report with the Court, and provide copies to counsel for Defendant and the United
5 States;

6 4. Pursuant to 18 U.S.C. § 3161(h)(1)(A), the time required to perform the examination
7 of Defendant shall be excluded in computing the time within which trial in this case must
8 commence.

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10 The Clerk is DIRECTED to file and maintain the resulting report, once received, under
11 seal.

12 DATED this 6th day of April 2018.

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17 John C. Coughenour
18 UNITED STATES DISTRICT JUDGE